

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY THE HAGUE

USCINCEUR

INFO KCINCUSAREUR

CINCUSAFE

JCS

C O N F I D E N T I A L STATE 038657

E.O. 11652: GDS

TAGS: MASS, NL

SUBJECT: STATUS OF OFFSHORE PROCUREMENT (OSP) AGREEMENT
WITH THE NETHERLANDS

REFS: USCINCEUR TELEGRAMS DATED DECEMBER 171553 AND
JANUARY 081338

1. USCINCEUR IS CURRENTLY NEGOTIATING WITH NETHERLANDS MOD
FOR LOC-RELATED PROCUREMENT UTILIZING THE EXISTING 1954 OSP
AGREEMENT. GON REPRESENTATIVE ADVISES USCINCEUR NEGOTIATORS
THAT 1954 OSP AGREEMENT IS NOT APPLICABLE. EMBASSY IS
THEREFORE REQUESTED TO RAISE WITH THE FOREIGN MINISTRY THE
QUESTION OF THE STATUS AND APPLICATION OF THE OSP AGREEMENT
BETWEEN THE U.S. AND THE NETHERLANDS.

2. IT IS OUR UNDERSTANDING THAT USEUCOM ELEMENTS ARE
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CURRENTLY CONTINUING PROCUREMENT OF BOTH HARD AND SOFT GOODS IN THE NETHERLANDS AND ARE DOING SO UNDER THE 1954 OSP AGREEMENT. THUS THE PREMISE, WHICH IS ATTRIBUTED TO THE DUTCH MOD, THAT THE SP AGREEMENT HAS SERVED ITS ORIGINAL PURPOSE AND IS NO LONGER APPLICABLE TO OUR DAY-TO-DAY OPERATIONS IN EUROPE IS NOT VALID.

3. A SECOND PREMISE ATTRIBUTED TO DUTCH MOD REPRESENTATIVES APPEARS TO BE THAT ONCE THE LOC IS ACTIVATED THE U.S. WOULD BE ENGAGED IN BOTH DIRECT AND INDIRECT PROCUREMENT THROUGH

DUTCH AGENCIES, A PROCUREMENT TECHNIQUE WHICH IS NOT BEING USED AT PRESENT AND WAS NOT CONTEMPLATED IN THE 1954 OSP

AGREEMENT. IF USEUCOM AND EMBASSY AGREE THAT THIS IS A VALID OBSERVATION, WE WOULD AGREE THAT THERE IS NEED FOR A TECHNICAL AGREEMENT SUBSIDIARY TO THE LOC AGREEMENT WHICH MAKES PROVISION FOR SUCH INDIRECT PROCUREMENT. HOWEVER ANY DIRECT PROCUREMENT ON BEHALF OF USEUCOM ELEMENTS, WHETHER CARRIED OUT NOW OR AFTER THE LOC AGREEMENT MIGHT BE ACTIVATED, WOULD IN OUR VIEW BE CONDUCTED UNDER THE SAME TERMS, I.E., UNDER THE TERMS SET FORTH IN THE 1954 OSP AGREEMENT.

4. TO REPRODUCE ALL THE TERMS OF THE 1954 AGREEMENT IN A NEW TECHNICAL AGREEMENT APPLICABLE TO PROCUREMENT IN CONNECTION WITH THE LOC DOES NOT APPEAR TO MAKE SENSE UNLESS THERE IS SOME OTHER EXPLANATION THE DUTCH MAY HAVE FOR THE POSITION ADOPTED BY THE MOD REPRESENTATIVE, OR SERIOUS FLAWS EXISTING IN THE EXISTING AGREEMENT THAT THE GON WOULD PROPOSE TO CORRECT.

5. THE EMBASSY IS REQUESTED TO REVIEW ALL OF THESE POINTS WITH THE GON AT THE GOVERNMENT LEVEL AND REPORT FULLY ON THEIR VIEWS AT THE EARLIEST CONVENIENCE. THE EMBASSY WILL RECEIVE A SEPARATE JCS INSTRUCTION BEING SENT USCINCEUR, AND FUTURE EMBASSY TELEGRAMS ON THIS SUBJECT SHOULD INCLUDE JCS AND USCINCEUR AS INFO ADDRESSEES. KISSINGER

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